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10/611,503	07/01/2003	Joann J. Ordille	633-062us	4423
47912	7590	11/17/2009	EXAMINER	
Avaya			PHAN, JOSEPH T	
DEMONT & BREYER, LLC			ART UNIT	
100 COMMONS WAY, STE 250			PAPER NUMBER	
HOLMDEL, NJ 07733			2614	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@dblaw.com

Office Action Summary

Application No.

10/611,503

Applicant(s)

ORDILLE ET AL.

Examiner

JOSEPH T. PHAN

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 4-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 26 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 26 lines 1-3 recites "article of manufacture comprising a machine readable medium containing or more programs..." which, as applicant's specification points out on page 9-10, could be directed to a 'transmission medium'v(e.g. fiber-optics or wireless channel) which are non-statutory subject matter.

Appropriate clarification and correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 17, and 26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 17, and 26 lines 9-10 recite "originating endpoint address" which is unclear and

not known if this refers to the 'originating' address point or the 'end' address point.

Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2 and 4-28 rejected under 35 U.S.C. 102(e) as being anticipated by Zimmers et al., Patent #6816878.

Regarding claims 1, 17, and 26 Zimmers teaches a method, an apparatus, and an article of manufacture(Fig.1) comprising : a memory and at least one processor(Fig.1), coupled to the memory, operative to: receive a communication for a recipient(col.4 line 37-col.5 line 25); in response to the receipt of the communication, perform the following:

identifying one or more designated persons(Fig.5A) that have been previously designated for the originating endpoint address associated with the received communication, wherein at least one of designated persons is not a sender of the communication and is not the intended recipient(Fig.2, col.4 line 37-col.5 line 25);

generate a notification message, wherein the notification message includes information about a response that was dispatched for the received communication, and send the notification message to the one or more designated persons(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 2, Zimmers teaches the method of claim 1, wherein the notification message is provided to the one or more designated persons in accordance with preference information specified by each of the one or more designated persons(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 4, Zimmers teaches the method of claim 2, wherein the preference information includes at least one media preference(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 5, Zimmers teaches the method of claim 2, wherein the preference information includes at least one human language type preference(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 6, Zimmers teaches the method of claim 1 wherein the originating endpoint is identified based on a telephone number of a calling party associated with the communication(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 7, Zimmers teaches the method of claim 1, wherein the originating endpoint is identified based on an address associated with the communication(Fig.1 and col.3 line 57-col.4 line 25).

Regarding claim 8, Zimmers teaches the method of claim 1, wherein the identifying, generating and sending steps are performed in response to the received communication being placed to a specified telephone number(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 9, Zimmers teaches the method of claim,1, wherein the event is an emergency that has been reported to a receiver(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 10, Zimmers teaches the method of claim 1, wherein the event is a telephone call that has been placed to a help desk(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 11, Zimmers teaches the method of claim 1, further comprising the step of receiving at least one response to the notification message(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 12, Zimmers teaches the method of claim 1, further comprising the step of receiving at least one status update from at least one of the one or more designated persons (Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 13, Zimmers teaches the method of claim 1, further comprising the step of dispatching an appropriate response to the communication(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 14, Zimmers teaches the method of claim 13, further comprising the step of receiving at least one status update from a person associated with the appropriate response(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 15, Zimmers teaches the method of claim 1, further comprising the step of notifying at least one of the one or more designated persons of a status update(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 16, Zimmers teaches the method of claim 1, wherein the notification message is provided to the one or more designated persons in accordance with a communication flow that describes whether each of the one or more designated persons is notified based on a response from one other of the one or more designated persons(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 18, Zimmers teaches the apparatus of claim 17, wherein the notification message is provided to the one or more designated persons in accordance with preference

information specified by each of the one or more designated persons(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 19, Zimmers teaches the apparatus of claim 17, wherein the endpoint is identified based on a telephone number of a calling party associated with the communication(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 20, Zimmers teaches the apparatus of claim 17, wherein the endpoint is identified based on an address associated with the communication(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 21, Zimmers teaches the apparatus of claim 17 wherein the event is an emergency that has been reported to a receiver(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 22, Zimmers teaches the apparatus of claim 1.7, wherein the event is a telephone call that has been placed to a help desk(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 23, Zimmers teaches the apparatus of claim 1.7, wherein the processor is further configured to receive at least one response to the notification message(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 24, Zimmers teaches the apparatus of claim 17, wherein the processor is further configured to receive at least one status update(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claim 25, Zimmers teaches the apparatus of claim 17 wherein the processor is further configured to dispatch an appropriate response to the communication(Fig.1-7A and col.4 line 37-col.5 line 25).

Regarding claims 27-28, Zimmers teaches the method of claims 1 and 17, wherein a

notification of an event is triggered indirectly when a call is placed by a third party identifying a response address associated with an endpoint(Fig.1-7A and col.4 line 37-col.5 line 25).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/
Examiner, Art Unit 2614